

Appl. No. 10/042,004
Amdt. dated December 29, 2004
Reply to Office action of December 2, 2004

REMARKS

On May 5, 2004, Examiner issued an Office Action finding claims 1- 5, 7, 9, 15-25, 27-33, 35, 37 and 39-53 anticipated by a single reference, U.S. Patent No. 6,280,325 issued to Fisk (hereinafter, "Fisk"). The Examiner objected to claims 6, 8, 10-14, 26, 34, 36 and 38 as being dependent upon rejected base claims.

On July 21, 2004, Applicant amended claims 1, 3, 4, 16, and 40, added claims 54 – 67, overcoming the Fisk reference.

On December 2, 2004, Examiner issued a Final Office Action rejecting all claims as anticipated by a newly cited reference, U.S. Patent No. 5,351,970 Issued to Floretti. Applicant respectfully traverses the rejection as to claims 1- 55 and amends claims 56 – 67.

It is fundamental that "an invention is anticipated [under 35 U.S.C. §102] if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim." *Richardson v. Suzuki Motor Co., Ltd.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989), citing *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888, 894, 221 USPQ 669, 673; *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 771-72, 218 USPQ 781, 789 (Fed.Cir.1983), *cert. denied*, 465 U.S. 1026, 104 S.Ct. 1284, 79 L.Ed.2d 687 (1984).

While the Examiner states that "Floretti, in FIGS. 1-4, col. 6:1-67, col. 7:1-67, col. 8:1-67, col. 9:1-67, col. 10:1-67 and col. 11:1-67, discloses the data processing further automatically re-enabling the generating of random numbers to initiate a new bingo session," no such teaching is found in any of these four figures, in the 402 lines of text cited, or anywhere else in the reference. Floretti does not teach automatic bingo sessions; it teaches playing bingo sessions over a broad geographic area. While Floretti does teach "means for terminating a given game upon determining that at least one game card array from the set of all cards sold is a winning game card array," it does not teach automatically starting the next game in a sequence of games. This is a critical and counter-intuitive step claimed by Itkis in the present application, and lacking in the prior art. This important element makes it possible for bingo sessions in bingo halls to proceed completely

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automatically, saving significantly on labor, and turning what is generally a non-profitable "loss leader" for casinos into a significant profit center.

Independent claims 1 and 30, as previously amended specifically recite this important element not taught by Floretti – automatically starting a new game after a game is automatically stopped. Specifically, claim 1 recites: "said data processing means further automatically re-enabling said generating of random numbers to initiate at least one event selected from the group consisting of (a) a new bingo game in said session and (b) a new bingo session" Claim 30 recites: "automatically re-enabling said generating of random numbers to initiate at least one event selected from the group consisting of (a) a new bingo game in said session and (b) a new bingo session"

This important element is essential to the automated nature of the core of the present invention, namely completely automatically running a session of bingo games, normally a highly labor-intensive endeavor. Since the element of automatically re-enabling the generation of random numbers so that the session can progress to the next game is totally missing from the cited reference, independent claims 1 and 30 are, respectfully, patentable over Floretti. The narrower claims dependent upon claims 1 and 30, namely claims 2-29 and 31 - 55 are, therefore, also patentable and should be allowed to issue.

In addition, claims 56 – 67 are amended to specifically point out that the present invention is directed to automated sessions of bingo and includes the important feature of automatically re-enabling the generating of random numbers to automatically begin the next game in a sequence of bingo games in a session of bingo.

No new matter has been added. Each proposed amendment is fully supported by the disclosure. Applicant believes the application is now in condition for issue. Therefore, favorable consideration of claims 1 – 67 is thought to be in order and is urgently solicited.

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The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. A copy of this letter is enclosed.

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